

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA11 LOLITA RIDGEWAY and
12 TORRIS RIDGEWAY, SR.,

13 Plaintiffs,

14 No. C-08-01001 EDL

15 v.

16 MIR E. ALI and SHAKERA ALI,
CASE MANAGEMENT AND
PRETRIAL ORDER FOR JURY TRIAL17 Defendants.
18 _____ /19 Following the Case Management Conference held on June 10, 2008 and pursuant to Fed. R. Civ.
20 P. 16, IT IS ORDERED THAT the following case management and pretrial order is entered:21 1. TRIAL DATE22 a. Jury trial will begin on August 3, 2009 at 8:30 a.m. in Courtroom E, 15th Floor,
23 450 Golden Gate Avenue, San Francisco, CA 94102. Any party who wants to order a daily transcript
must notify the Court Reporter Supervisor at least two weeks before the trial.

24 b. The length of the trial will be not more than 5 days.

25 2. DISCOVERY26 a. All non-expert discovery shall be completed no later than March 10, 2009. There
will be no further non-expert discovery after that date except by order of the Court for good cause
shown. Motions to compel non-expert discovery must be filed within the time limits contained in Civil
27 Local Rule 26-2.

1 b. Initial expert disclosures shall be made no later than March 16, 2009. Rebuttal
2 expert disclosures shall be made no later than March 30, 2009. All treating physicians who will provide
3 opinion testimony beyond that which can be provided by a lay person must be disclosed as expert
4 witnesses, but they need not prepare expert reports unless ordered to do so by the Court.

5 c. All expert discovery shall be completed no later than April 30, 2009. There will
6 be no further expert discovery after that date except by order of the Court for good cause shown.
7 Motions to compel expert discovery must be filed within the time limits contained in Civil Local Rule
8 26-2.

9 d. Rule 26(e)(1) of the Federal Rules of Civil Procedure requires all parties to
10 supplement or correct their initial disclosures, expert disclosures, pretrial disclosures, and responses to
11 discovery requests under the circumstances itemized in that Rule, and when ordered by the Court. The
12 Court expects that the parties will supplement and/or correct their disclosures promptly when required
13 under that Rule, without the need for a request from opposing counsel. **In addition to the general**
14 **requirements of Rule 26(e)(1), the parties will supplement and/or correct all previously made**
15 **disclosures and discovery responses 28 days before the fact discovery cutoff date.**

16 e. Pursuant to Civil L.R. 37-1(b), telephone conferences are available to resolve
17 disputes during a discovery event, such as a deposition, where the resolution during the event likely
18 would result in substantial savings of expense or time.

19 f. **Privilege logs.** If a party withholds information that is responsive to a discovery
20 request, and is otherwise discoverable under the Federal Rules of Civil Procedure, by claiming that it
21 is privileged, or protected from discovery under the attorney work product doctrine or any other
22 protective doctrine (including, but not limited to, privacy rights), that party shall prepare a "privilege
23 log" (Fed. R. Civ. P. 26(b)(5)) setting forth the privilege relied upon and specifying separately for each
24 document or for each category of identically situated documents:

1. The name, job title, or capacity of the author;
2. The name, job title, or capacity of each recipient;
3. The date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s);

- 1 4. The title and description of the document;
- 2 5. The subject matter addressed in the document;
- 3 6. The purpose(s) for which it was prepared or communicated; and
- 4 7. The specific basis for the claim that it is privileged.

5 The privilege log will be produced as quickly as possible, but no later than 14 days after the
6 discovery responses are due, unless the Court orders otherwise in a particular case.

7 g. In responding to requests for documents and materials under Rule 34 of the
8 Federal Rules of Civil Procedure, all parties shall affirmatively state in a written response served on all
9 other parties the full extent to which they will produce materials and shall, promptly after the
10 production, confirm in writing that they have produced all such materials so described that are locatable
11 after a diligent search of all locations at which such materials might plausibly exist.

12 3. MOTIONS

13 The last day to file a motion, or stipulation and proposed order, to join other parties shall be July
14 10, 2008.

15 The last day to file a motion, or stipulation and proposed order, to amend the pleadings shall
16 be November 18, 2008.

17 The last day for hearing dispositive motions shall be April 28, 2009 at 9:00 a.m. Dispositive
18 motions shall be served and filed no later than **thirty-five (35)** days prior to the scheduled hearing date.
19 Any opposition shall be served and filed no later than **twenty-one (21)** days prior to the hearing date.
20 Any reply to the opposition shall be served and filed no later than **fourteen (14)** days prior to the date
21 of the hearing.

22 4. ALTERNATIVE DISPUTE RESOLUTION

23 This matter has previously been referred for mediation.

24 5. PRETRIAL CONFERENCE

25 a. A pretrial conference shall be held on July 7, 2009 at 2:00 p.m. in Courtroom E,
26 15th Floor. **Each party shall attend personally or by lead counsel who will try the case.** The timing
27 of disclosures required by Federal Rule of Civil Procedure 26(a)(3) and other pretrial disclosures shall
28 be governed by this order.

1 b. **At least thirty (30) days** prior to the date of the pretrial conference, lead counsel
2 shall meet and confer regarding:

3 (1) Preparation and content of the joint pretrial conference statement;
4 (2) Preparation and exchange of pretrial materials to be served and lodged
5 pursuant to paragraph 5(c) below; and
6 (3) Settlement of the action.

7 c. **At least twenty (20) days** prior to the pretrial conference, counsel and/or parties
8 shall:

9 (1) Serve and file a joint pretrial statement that includes the pretrial
10 disclosures required by Federal Rule of Civil Procedure 26(a)(3) as well
11 as the following supplemental information:
12 (a) *The Action.*
13 (i) Substance of the Action. A brief description of the
14 substance of claims and defenses which remain to be
15 decided.
16 (ii) Relief Prayed. A detailed statement of all the relief
17 claimed, particularly itemizing all elements of damages
18 claimed as well as witnesses, documents or other
19 evidentiary material to be presented concerning the
20 amount of those damages.
21 (b) *The Factual Basis of the Action.*
22 (i) Undisputed Facts. A plain and concise statement of all
23 relevant facts not reasonably disputable, as well as which
24 facts parties will stipulate for incorporation into the trial
25 record without the necessity of supporting testimony or
26 exhibits.
27 (ii) Disputed Factual Issues. A plain and concise statement
28 of all disputed factual issues which remain to be decided.

6 (c) *Disputed Legal Issues.*

Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions, and any procedural or evidentiary issues.

11 || (d) *Trial Preparation.*

27 || (e) *Trial Alternatives and Options.*

- (i) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.
- (ii) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.
- (iii) Bifurcation, Separate Trial of Issues. A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.

(f) *Miscellaneous.*

Any other subjects relevant to the trial of the action or material to its just, speedy and inexpensive determination.

(2) Serve and file trial briefs, motions in limine (including any motion regarding the qualifications or testimony of any expert witness), proposed voir dire questions, jury instructions, verdict forms and excerpts from discovery that will be offered at trial (include a copy of the deposition testimony or admission). The parties shall submit proposed jury instructions **jointly**. If there are any instructions on which the parties cannot agree, those instructions may be submitted separately;

(3) Serve and file an exhibit setting forth the qualifications and experience of each expert witness;

(4) Serve and file a list of each party's exhibits by number (plaintiff) or letter (defendant), including a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

(5) Exchange exhibits which shall be premarked (plaintiff shall use numbers; defendant shall use letters) and tabbed. Exhibits shall be three-hole punched and shall be submitted in binders. Each exhibit shall be marked on the front page or on the back of the last page with the information contained in Exhibit A to this Order; and

3 No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not
4 disclosed in its pretrial statement, exchanged with opposing counsel, and delivered to the Court, by the
5 above deadline, without leave of the Court and for good cause.

6 d. **At least ten (10) days** prior to the pretrial conference, after meeting and
7 conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file:
8 (1) any objections to exhibits or to the use of deposition excerpts or other discovery; (2) any objections
9 to non-expert witnesses; (3) any objection to proposed voir dire questions, jury instructions and verdict
10 forms that the parties have been unable in good faith to resolve; (4) any opposition to a motion in limine.
11 No replies shall be filed.

e. All motions in limine and objections shall be heard at the pretrial conference.

6. JURY TRIAL

14 a. Counsel shall submit an agreed upon set of voir dire questions to be posed by
15 the Court. Any voir dire questions on which counsel cannot agree may be submitted separately.
16 Counsel shall be allowed brief follow-up voir dire after the Court's questioning.

17 b. The following jury instructions from the Manual of Model Civil Jury Instructions
18 for the Ninth Circuit (2007 Edition) shall be given absent objection: 1.1-1.2, 1.6-1.14, 1.18, 2.11.
19 Counsel shall submit **jointly** an agreed upon set of case specific instructions, using the Ninth Circuit
20 Manual where appropriate. Do not submit duplicates of those listed above. Any instructions on which
21 counsel cannot agree may be submitted separately. Each requested instruction shall be typed in full on
22 a separate page with citations to the authority upon which it is based and a reference to the party
23 submitting it. A **second blind copy** of each instruction and verdict form shall also be submitted,
24 omitting the citation to authority and the reference to the submitting party.

25 7. All documents filed with the Clerk of the Court shall list the civil case number followed
26 by the initials "EDL." One copy shall be clearly marked as a **chambers** copy. Chambers copies shall
27 be three-hole punched at the left side, suitable for insertion into standard binders. In addition, all
28 proposed jury instructions, motions in limine, forms of verdict and trial briefs shall be accompanied by

1 a diskette containing a copy of the document formatted in WordPerfect 6.1, 7, 8, 9 or 10 (Windows) or
2 8.0 (Windows).

3

4 Dated: June 11, 2008

Elizabeth D. Laporte
ELIZABETH D. LAPORTE
United States Magistrate Judge

EXHIBIT AUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT
NO._____Date
Admitted:_____By:_____
Lili M. Harrell, Deputy ClerkUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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